

Please amend the claims as set forth below without prejudice to Applicant filing one or more continuation applications directed to the claims as originally filed.

In the Claims:

1. (currently amended) A medical apparatus comprising:

an overtube for receiving an endoscope therein, the overtube comprising a side opening for receiving tissue therethrough; and

a tissue sample device disposed in the overtube, the tissue sample device comprising a tissue cutter adapted to traverse a length of the side opening for severing a tissue sample from tissue extending into the side opening; and

a deformable tissue stop disposed inwardly of the side opening.

2. (currently amended) The medical apparatus of Claim 1 wherein the overtube is rotatable with respect to an endoscope received therein, wherein the tissue sample device comprises a tissue stop disposed inwardly of the side opening.

3. (currently amended) The medical apparatus of Claim 1 2 wherein at least a portion of the overtube associated with the side opening has a non circular cross-section wherein the tissue stop is deformable.

4. (currently amended) The medical apparatus of Claim 1 3 wherein the tissue stop is deformable from a first position to permit passage of an endoscope thereby, to a second position to receive and support a tissue mass drawn through the side opening.

5. (currently amended) The medical apparatus of Claim 1 2 wherein the tissue stop comprises at least one opening therethrough for communicating vacuum from a vacuum source to draw tissue into the side opening.

6. (original) The medical apparatus of Claim 5 wherein the tissue stop comprises a plurality of vacuum openings therethrough.

7. (original) The medical apparatus of Claim 1 wherein the tissue cutter is adapted to receive RF energy for cutting tissue.

8. (original) The medical apparatus of Claim 1 wherein the overtube comprises a distal end opening adapted to pass an endoscope.

9. (original) The medical apparatus of Claim 1 further comprising a tissue stop disposed inwardly of the opening, wherein the tissue stop provides a ground pole of an RF circuit.

10. (currently amended) A medical apparatus comprising:

a body with an outer surface having a side opening, the side opening for receiving tissue therethrough, a distal end opening, and a passageway for receiving an endoscope; ~~and~~

a cutter for cutting tissue, the cutter adapted to traverse a length of the side opening for cutting tissue extending through the side opening; and

a deformable tissue stop disposed inwardly of the side opening.

11. (currently amended) A method for obtaining a tissue sample, the method comprising:

providing an endoscope;

providing an overtube having a side opening and a tissue cutter;

inserting the overtube into a patient's body with the endoscope;

receiving tissue into the side opening of the overtube; and

cutting tissue extending into the side opening with the tissue cutter ;

wherein the overtube is rotatable with respect to the endoscope.

12. (original) The method of Claim 11 comprising the step of drawing tissue into the side opening with vacuum.

13. (original) The method of Claim 12 wherein the vacuum is communicated from a vacuum source through the endoscope.

14. (currently amended) The method of Claim ~~11~~ 12 wherein at least a portion of the overtube associated with the side opening has a non circular cross section ~~wherein the overtube is rotatable with respect to the endoscope.~~